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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,304	07/05/2003	Edward J. Steffan	SteffanE_P_1_03	8253

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EXAMINER
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PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/614,304

Applicant(s)

STEFFAN, EDWARD J.

Examiner

Hau V Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-17 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10 and 19 is/are rejected.
- 7) ☒ Claim(s) 5 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Acknowledgment*

1. The amendment filed on 12/14/2004 has been entered.

### *Abstract*

2. The abstract of the disclosure is objected to because the term "means" in line 8 is a legal phraseology and should be avoided. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1 is alternatively rejected under 35 U.S.C. 102(b) as being anticipated by Jamieson et al. (2,647,762).**

Jamieson et al. in figures 1-2, discloses a folding golf bag carrier comprising a golf bag (as shown in figure 2), a foldable golf cart and mounting means (as shown in figures 1-2, 4 and 7) for securely, reversibly mounting the golf-bag on the golf cart, wherein the mounting means provide for the bag to maintain a stable vertical position in

a rest position (non-operative position, figure 3 and 4) from the need to use mounting straps or biasing mounting members.

**5. Claims 1-3, 6, 8 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Nordland (3,580,533).**

Norland in figures 1-5, discloses a folding golf bag carrier comprising a golf bag (50), a foldable golf cart (10) and mounting means (as shown in figure 1) for securely, reversibly mounting the golf-bag on the golf cart, wherein the mounting means provide for the bag to maintain a stable vertical position in a rest position from the need to use mounting straps or biasing mounting members.

Regarding claims 2 and 19, Norland in figures 2-5, discloses an upper and a lower end of the golf-bag, an upper and a lower end of a main frame of the golf cart, a first mounting member affixedly attached to the upper end of the golf-bag, a second mounting member affixedly attached to the upper end of the golf cart main frame.

Norland also discloses a third mounting member affixedly attached to the lower end of the golf-bag, a fourth mounting member affixedly attached to the lower end of the golf cart main frame, wherein said first mounting member is affixedly attached and adapted to securely reversibly engage with the second mounting member, and wherein the second mounting member is affixedly attached and adapted to securely reversibly engage with the first mounting member wherein the third mounting member is affixedly attached and adapted to reversibly engage with the fourth mounting member, and wherein the fourth mounting member is affixedly attached and adapted to securely reversibly engage with the third mounting member, wherein the first mounting member

is reversibly mounted onto the second mounting member, wherein the third mounting member is reversibly mounted onto the fourth mounting member, wherein the reversible mounting of the first and third mounting members onto the second and fourth members, respectively providing for secure, reversible mounting of the golf-bag on the golf cart free from the need to use straps, a biasing mounting member, or moveable mounting parts.

Regarding claim 3, Norland discloses a least one foldable handle (18) rotably attached to the upper end of the main frame of the golf cart, whereby the handle may be opened for use or may be folded.

Regarding claim 6, Norland discloses a base on the golf bag, a shaped recess into the third mounting member and a shaped protrusion formed as an integral part of the fourth mounting member (as shown in figure 3).

Regarding claim 8, Norland discloses a main body of the golf-bag having an outer surface and compartment of the outer surface of the main body of the golf-bag, wherein the main frame of the golf cart is shape-adapted to conform to the golf-bag.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norland (3,580,533) as applied to claim 2 above, and further in view of Holtz (4,950,003).**

Norland discloses the golf cart, but fails to show a platform.

Holtz teaches a luggage cart comprising a foldable platform (14) having a leg (38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the golf cart of Norland with the addition of foldable platform as taught by Gregory in order to support the golf bag.

**8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norland (3,580,533) as applied to claim 2 above, and further in view of Kao et al. (5,829,585).**

Norland discloses the golf cart having wheels (28), but fails to show a retractable telescoping wheel axle.

Kao et al. in figures 12-13, teach a golf club transportation device comprising a retractable telescoping wheel axle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the golf cart of Norland with the substitute of a retractable telescoping wheel axle as taught by Kao et al. in order to permit the wheels to move away from each other when the wheel assembly is moved to an extended position and permit the wheels to move towards each other when the wheel assembly is moved to a retracted position.

**9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norland (3,580,533) as applied to claim 3 above, and further in view of Kao et al. (5,829,585).**

Norland discloses the golf cart having the handle, but fails to show at least one spreader brace for locking the handle in an open position.

Weis in figure 1, teaches a traveling golf cart comprising a handle (38) and at least one spreader brace (40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the golf cart of Norland with the addition of at least one spreader brace as taught by Weis in order to secure the handle of the golf cart in an extended position.

***Allowable Subject Matter***

10. Claims 11-18 are allowed.

11. Claims 5 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach the foldable hand-cart/golf-bag as recited in claims 5 and 11, which include a first mounting member shaped in a sliding dovetail manner and a second mounting member shaped in a sliding dovetail manner complementary to the first mounting member. This recitation, in combination with the rest of the recited elements, clearly defines over the prior art.

***Response to Arguments***

12. Applicant's arguments filed 12/14/2004 have been fully considered but they are not persuasive. In response to the applicant's remark that Jamieson et al. does not teach a golf bag carrier that maintains the golf club bag in stable vertical position while at rest. The examiner disagrees, because Jamieson et al. in figures 3-4 disclose the golf bag carrier that maintains the golf bag in stable vertical position while at rest (non-operative position). The applicant also argues that Nordland teaches golf cart mounting that requires a removable biasing pin. The examiner disagrees, because the mounting members (70, 82) that are not a biasing pin.

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan  
Examiner  
Art Unit 3618

*Hau Phan*  
*1/15/05*